

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Plaintiffs hereby move this Court for partial summary judgment on certain legal issues at the heart of this lawsuit. Plaintiffs submit that there is no genuine dispute of any material fact as to these questions of law.

Specifically, Plaintiffs submit that the undisputed, material facts and the applicable law compel the following legal conclusions:

- (1) That Amazon is a “seller” under the Tennessee Product Liability Act (“the Act”),
Tenn. Code Ann. § 29-28-101 et seq.
 - (2) That Amazon had a legal duty to warn Plaintiffs about the risk of hoverboard fires and
explosions; and
 - (3) That the undisputed evidence demonstrates that Amazon failed to act reasonably in
discharging that duty to warn.

Filed in support of this summary judgment motion is a memorandum of law; a statement of undisputed facts in accordance with Local Rule 56.01(b); the affidavits of Brian Fox, David

McVey, and John Coleman; and cited deposition testimony and documents produced by Defendant Amazon.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing—that a true and exact copy of the foregoing has been served via the Court's CM/EMF system to all parties registered to receive electronic notice on January 31st, 2018 including:

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